

REMARKS

Claims 8-26 are pending in the application.

Reconsideration of the rejection of claims 8-26 under 35 U.S. C 102 (b) as being anticipated by 6,063,350 to Tarabulski et al is respectfully requested.

Claims 8 and 26 are directed to an apparatus for introducing a reducing agent containing urea into the exhaust of an internal combustion engine, the apparatus comprising

a reservoir,

a delivery unit,

a flow path for the reducing agent, the flow path leading from the reservoir to the delivery unit, *the delivery unit delivering the reducing agent from the reservoir through the flow path,*

a ventilation device for ventilating at least one region of the flow path, *the ventilation device being disposed in the flow path leading from the reservoir to the delivery unit* and being situated at a geodetic high point of the flow path,

a ventilation opening in the ventilation device that always permits a return of a minimal fluid quantity to the reservoir, and

a ventilation return line connecting the ventilation opening and the reservoir.

The Examiner is of the opinion that Tarabulski discloses a ventilation device 135, 155. In fact, reference numeral 135 relates to a pressure regulator (column 7, line 27 of Tarabulski) and reference numeral 155 relates to a check valve (column 7, line 43, of Tarabulski). Neither a pressure regulator nor a check valve is a ventilation device.

Tarabulski discloses in column 7, lines 43 to 47, that check valve 155 permits reagent solution to return through line 133, but prevents reverse flow of reagent from the tank. When a control signal is given to drain the injectors and lines, the pump 137 is reversed and air is pulled through the check valve to enable the desired flow. Further, claims 8 and 10 relate to draining the injectors and feed lines in specific cases. Clearly check valve 155 is not disposed in the flow path leading from the reservoir to the delivery unit, but in a flow path for the reducing agent leading back from the delivery unit to the reservoir via return line 133. Further, the function of Tarabulski, to replace the reagent by air is exactly the opposite to the function of the present invention, where any gaseous components are removed from the flow path of the reagent.

Additionally, Tarabulski does not disclose a ventilation opening in the ventilation device that always permits a return of a minimal fluid quantity to the reservoir. By consequence, there is no disclosure found in Tarabulski as to a ventilation return line connecting the ventilation opening and the reservoir.

Applicant asserts that a number of characterizing features of the present invention are not disclosed in the Tarabulski-reference. By consequence, claims 8 and 26 as presented previously are novel and inventive over Tarabulski.

However, in order to further specify that the delivery unit delivers the reducing agent from the reservoir through the flow path, claims 8 and 26 have been amended accordingly.

In order to further specify that the ventilation device is disposed in the flow path leading from the reservoir to the delivery unit, claims 8 and 26 have been amended accordingly.

Therefore, Tarabulski clearly does not anticipate the recited arrangement of a reservoir, a delivery unit, a flow path, a ventilation device, a ventilation opening, and a ventilation return line, as required by 35 U.S.C. 102. Accordingly withdrawal of the rejection and allowance of the claims are respectfully requested.

Reconsideration of the rejection of claims 16-19 under 35 U.S. C 103(a) as being unpatentable over Tarabulski et al in view of Tokuda, and further in view of design choice is respectfully requested.

The examiner finds that Tarabulski et al discloses all the claimed limitations except the filter being able to operate in two different installation positions that differ from each other by approximately 90° and the ventilation device being situated at an angle of approximately 45° between the two installation positions.

Tokuda et al is presumed to be relied upon for teaching an apparatus for supplying fuel of an internal combustion engine with a ventilation device (210) being situated at a geodetic high point of the flow path (220). However, the examiner makes no reference to Tokuda.

Furthermore, with regard to the Tokuda reference, Applicant disagrees with the examiner's interpretation in the first Office action that valve (210) represents a ventilation device. Tokuda discloses a fuel system having a low-pressure part (low-pressure rail 160) and a high-pressure part (high-pressure rail 130). As explained in column 12, lines 11 to 20, high-pressure rail 130 is connected on its downstream side with an "electromagnetic relief valve 210." Electromagnetic relief valve 210 is opened in response to a control signal from ECU 300, and guides the fuel within high-pressure delivery pipe 130 to fuel return pipe 220. As is explained

in column 12, lines 36 to 38, of Tokuda, electromagnetic relief valve 210 corresponds to a "pressure release means." However, a pressure release means that guides fuel back to fuel return pipe 220 and further back to fuel reservoir 200 is not a ventilation device which is provided in order to remove air from at least one region of the flow path. By consequence, Tokuda does not disclose a ventilation device.

Further, it is clear that figure 2 of Tokuda does not represent the geodetic relationships of the components of the fuel system, e.g. it is very unlikely that ECU 300 is situated geodetically even lower than fuel reservoir 200. Further, it is very unlikely that intake manifold injectors 120 are situated geodetically lower than in-cylinder injectors 110. Rather, in most combustion engines, the intake manifold is situated geodetically higher than the cylinders. By consequence, there is no disclosure found that electromagnetic relief valve 210 is situated at a geodetic high point of the flow path.

The examiner continues that it would have been an obvious matter of design choice well within the level of ordinary skill in the art, to arrive at the claimed arrangement.

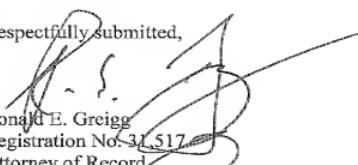
Neither Tarabulski nor Tokuda et al taken alone or when combined disclose or suggest the recited elements of claim 8 from which claims 16-19 depend, as discussed above, of a reservoir, a delivery unit, a flow path, a ventilation device, a ventilation opening, and a ventilation return line, as required by 35 U.S.C. 103. Accordingly withdrawal of the rejection and allowance of the claims are respectfully requested.

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The above amendments are being made to place the application in better condition for examination.

Entry of the amendment is respectfully solicited.

Respectfully submitted,


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